HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

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WRIT PETITION No.22240 of 2006

Between:

K. Yadagiri Rao

... Petitioner

AND

The A.P. Pollution Control Board,
rep., by its Member Secretary,
Sanathnagar, Hyderabad
& five others.

... Respondents

: ORDER :

Counsel for respondent No.1 : Sri S.V.Bhatt
Counsel for respondent No.4 : Sri M.P.Chendra Mouli
Counsel for respondent No.5 : Sri P.Radhakrishna
Counsel for respondent No.6 : Assistant Government Pleader for Municipal Administration

Dated: 25th January, 2007

PER G.S.SINGHVI, CJ

Telegram dated 11-10-2006 sent by K. Yadagiri Rao with the complaint that on account of pollution caused by the running of M/s.Agarwal Foundry Factory (respondent No.4), the villagers are facing severe health problems, was treated by one of us (the Chief Justice) as a petition in public interest.

In response to the notice issued by the Court, counter-affidavits have been filed by respondent Nos.4, 5 and 6. Report dated 23-1-2007 prepared by Environmental Engineer, Task Force, Andhra Pradesh Pollution Control Board, Zonal Office, Hyderabad along with report of the same date prepared by Junior Scientific Officer of the Board has also been filed.

In the counter filed by Shri C.N. Raghu Prasad, Commissioner, Quthubullapur Municipality, it has been averred that M/s.Agarwal Foundry Factory was set up before the formation of Quthubullapur Municipality and that it falls under the conservation zone as per the sanctioned Zonal Development Plan, 1985. According to the deponent, the factory is far away from Jeedimetla village.

In the counter-affidavit filed on behalf of respondent No.4 – M/s.Agarwal Foundry Factory, Shri Pramod Agarwal has averred that factory was started in 1994 after obtaining consent from the Board under Water (Prevention and Control of Pollution) Act and Air (Prevention and Control of Pollution) Act and that the

consent is valid up to 31-3-2007. He has further averred that all steps have been taken to check the pollution and the authorities of the Board have not found any violation of the provisions of the two Acts. In paragraphs 5 to 11 of his affidavit, Shri Pramod Agarwal has averred as under:

> "5. I submit that during the inspection, the officials of the Board have noticed that to control the emissions generated from the Electrical Induction Furnace, the industry has provided hoods over the furnaces followed by suction system with 2 x 50 HPID fans which is connected to the west scrubber followed by chemny of height of 70 feet. I submit that this pollution control equipment is installed as per the standards and specification of the Board. The equipment is working effectively from 1994 and it is renewed from time to time and there were no adverse complaints by any villager or adverse reports by the officials of the Board against the 4th respondent factory.
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> 6. I submit that when the dust accumulates in the scrubber, its efficiency decreases and, therefore, at every 4 to 5 days interval, the scrubbers will be cleaned while operating the ID fans. The cleaning operations take half an hour time. I submit that the induction furnace is a continuous process industry and, therefore, the cleaning is done within a span of every short period by employing more workers. When the Board officials visited, the cleaning operations were going on. From that they have inferred that I have not been running the Pollution Control Equipment continuously. To show that the said presumption is unfounded, I have produced the electricity meter readings of the meter fixed separately for the Pollution Equipment, from May 2006 to November 2006.

7. I submit that regarding the emission of pollutants, the stack attached to the induction furnaces was monitored and found that the SPM (Suspended Particulate Matter) was 48 M9/NM3 as against the standard 115 M9/Mg/M3. Thus, the factory is meeting the stack emission standards. I submit that if the stack emission standards are met by the factory there is no possibility of spoiling the ambient air.

8. I submit that the Board officials have also conducted the ambient Air quality monitoring at the pit side i.e. where the melted metal is poured in the moulds and they found that there is variation in RSPM only. The ambient Air quality is tested on all corners of the factory they could have found that the Air quality is within the stand order. The gasses like Nitrogen, Sulphide were found well within the standards.

9. I submit that the Board has given a show cause notice to me on 14-11-2006 pointing out that the industry is not continuously operating the pollution control equipment and the ambient Air quality is executing the standards (Ex.R.2). To the said show cause notice, I have given a reply dated 20-11-2006 (Ex.R.3). I was also given personal hearing, during which I explained the process of cleaning the scrubbers and also produced the electrical meter reading of the pollution equipment (Ex.R.4). Thereupon, the Board passed orders on 29-11-2006 giving directions that the plant should be stopped during the cleaning and maintenance of pollution equipment and shall wet the ground and plant trees in the vacant places. I was also directed to give an undertaking to that effect (Ex.R.5).

10. I submit that I have given an undertaking and also is following the directing strictly. We are

wetting the ground twice a day. I have planted trees in the vacant places.

11. I submit that the Board officials have inspected the factory on 27-12-2006 and monitored the stack and also the ambient air and informed me that the stack emissions and the ambient air quality are well within the standards."

Along with his affidavit, Shri Pramod Agarwal filed documents marked as Exs.R.1 to R.5.

Shri S. Bala Krishna, Joint Director, Municipal Administration and Urban Development Department, Government of Andhra Pradesh has filed separate affidavit reiterating the stand taken in the affidavit filed on behalf of Quthubullapur Municipality.

The report prepared by Junior Scientific Officer of the Board shows that M/s.Agarwal Foundry Factory is not causing any pollution beyond the parameters prescribed under the two Acts. In his report, the Environmental Engineer, Task Force, Hyderabad has recorded the following observations:

S.No.	Condition	Compliance
1.	The industry shall continuously operate the air pollution control equipment provided to the furnaces and maintain energy meter records.	The industry is operating wet scrubber provided to the furnaces and maintaining log book and recording daily energy meter readings.

2.	The industry shall take measures viz., wetting of ground, plantation in the vacant premises to suppress the dust within the plant and shall meet the ambient air quality standards.	The industry is wetting the open area in the premises with water sprinklers. Saplings were planted in the vacant place in the eastern side of the premises. Stack and Ambient Air Quality was monitored and are meeting the standards. Copies of the analysis reports are enclosed.
3.	The industry shall submit an undertaking that they shall operate the air pollution control equipment continuously and furnaces shall be stopped during maintenance of the pollution control equipment.	The industry has given an undertaking in this regard.

We have carefully gone through the affidavits filed on behalf of respondent Nos.4 to 6 and also perused the reports of the Environmental Engineer, Task Force and Junior Scientific Officer of the Board.

Since the concerned authorities have reported that the industry of respondent No.4 is not causing any pollution, we are convinced that no order is required to be passed by the Court in the matter of alleged pollution being caused by respondent No.4.

With the above observations, the writ petition is

disposed of.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Dated: 25.01.2007.
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